

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : Chapter 13
Jose R. Marrero and : Case No. 18-bk-03372-JJT
Jessica Marrero, :
Debtors :
:
Stillwater Lakes Civic Association, Inc., : Objection to Confirmation of
Movant : Chapter 13 Plan
: v.
:
Jose R. Marrero and :
Jessica Marrero, :
Charles J. DeHart, III, Trustee, :
Respondents :
:

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

Stillwater Lakes Civic Association, Inc., by and through its attorney, Philip W. Stock, objects to the confirmation of Debtors' Chapter 13 Plan for the following reasons:

1. On August 13, 2018, Debtors filed their Petition for Relief under Chapter 13 of the Bankruptcy Code;
2. Debtors own their residence which is located at 5008 Holiday Drive, Pocono Summit, PA 18346;
3. On October 21, 2018, Stillwater Lakes Civic Association, Inc. (Stillwater) filed its Proof of Claim in the amount of \$22,869.77;
4. As per its Proof of Claim, Stillwater has a secured claim of \$11,029.95;
5. In addition, Stillwater has an unsecured claim of \$11,839.82;

6. Unfortunately, Debtors' Plan fails to provide for payment of Stillwater's secured claim;
7. In addition, Debtors' attempt to modify Stillwater's secured claim under Section 506 of the Bankruptcy Code is inappropriate because the lien is a consensual lien which is further defined by Pennsylvania's Uniform Planned Community Act and, as such, can not be modified;
8. Also, Debtors have failed to properly fund their Plan in order to pay their unsecured creditors. As such, their Plan is underfunded;
9. Consequently, Debtors' Plan violates 11 U.S.C. § 1325(a)(1) because the Plan is not feasible;
10. Moreover, the failure of Debtors to propose to pay the correct amount of Stillwater's secured claim fails to provide full value to Stillwater regarding its claim in violation of 11 U.S.C. § 1325(a)(5);
11. Debtors' Plan also violates 11 U.S.C. § 1322(a)(1) since Debtors are not proposing to pay all of their disposable income in their Plan;
12. Furthermore, the failure of Debtors to propose to pay the correct amount of the secured claim, violates 11 U.S.C. § 1322(a)(3) since, the Plan attempts to treat Stillwater's secured claim differently than other secured claims in the same class of claims;
13. The Plan also violates 11 U.S.C. § 1325(a)(4) since the amount proposed to be paid to unsecured creditors is less than what those creditors would receive if Debtors liquidated their real estate under Chapter 7 of the Code.

WHEREFORE, Stillwater Lakes Civic Association, Inc. respectfully requests that the confirmation of Debtors' Chapter 13 Plan be denied.

Date: 10/22/18

/s/Philip W. Stock
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